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Re: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies - Class of Works 5 / Smartphones and Tablets

Summary: "Jailbreaking" adds measurable value, utility and longevity to digital devices, spurs innovation and benefits users, developers and manufacturers.

I am writing to add my voice to the chorus of people who want to preserve the exemption on circumvention of copyright protection systems for access control technologies, aka "jailbreaking." As an end user I have found that not only does jailbreaking greatly enhance functionality on my smartphones and tablets but that the creativity these "outside-the-box" developers have shown has spurred innovation from the phone and tablet manufacturers themselves. Over and over again Apple's iOS "innovations" are clearly borrowed from ideas and implementations of ideas first developed by authors of jailbroken apps. Yet, oftentimes Apple's late-to-the-game, in-house solution still isn't as elegant or functional or flexible as the app that inspired it.

By way of example, I'd point you to three applications: SBSettings, LockInfo and Zephyr - all apps that Apple has prohibited for sale in the iTunes App store and only available on jailbroken phones. SBSettings allows the user, in one gesture, to instantly access and adjust a multitude of system settings (such as Airplane Mode, Bluetooth, WiFi, Brightness, etc.) that would otherwise require countless taps and clicks, drilling through endless menus and submenus. LockInfo lets you use your phone lockscreen to display important information (such as incoming mail, IM messages, calls, voicemail, weather, twitter feeds, etc.) at a glance. In iOS 5 Apple borrowed some of LockInfo's innovations and incorporated them into its Notification Center. However, that still requires you to unlock your phone, enter the passcode and then swipe down to gather that information. If you're in a meeting, have your hands occupied or are in any way limited in your mobility, that simply isn't useful. Finally, Zephyr allows you to use simple gestures to switch running applications and or quit your current applications. Its great utility is evident when you realize that the single button on the iPhone normally employed for such tasks is the part most likely to fail on the iPhone. Besides having the problem twice myself, I know many other people whose iPhone "home" button has become inoperable - a problem which renders the phone virtually useless and Apple will not repair out of warranty. Having Zephyr (a \$1.99 application) literally resurrects an otherwise useless but very expensive phone.

These are just three of an astonishing array of creative and useful applications that are available only to users who jailbreak their phones. Developers in the jailbreak community have added immeasurable value, utility and longevity to the devices they code for and have pushed the manufacturers to continue to innovate and improve their software. Jailbreaking is good for users, good for developers and good for manufacturers. Please preserve this important exemption for smartphones and tablets.

Thank you,

Eric Wasserman